

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1: Adam Walsh Regulations for CDSS

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held December 17, 2014, as follows:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 17, 2014.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT: Office of Regulations Development
California Department of Social Services
744 P Street, MS 8-4-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586 FACSIMILE: (916) 654-3286 E-MAIL: ord@dss.ca.gov

CHAPTERS

Title 22, Chapter 35000, 35100, 35200

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations are necessary to implement the mandates of Public Law (PL) 109-248, known as the Adam Walsh Child Protection and Safety Act of 2006, which amended 42 United States Code sections 670 et seq. effective January 1, 2008.

This Federal law requires changes to the background and criminal history checks for prospective foster and adoptive parents and all adults residing in the home. This applies to all public and private adoption agencies and CDSS District Offices. Senate Bill (SB) 703 and Assembly Bill (AB) 2651 implemented the new federal provisions.

SB 703 (Chapter 583, Statutes of 2007) requires all licensed public and private adoption agencies in California to implement federal requirements for additional background checks for caregivers including prospective adoptive parents. SB 703 amended Health & Safety (H&S) Code sections 1522, 1522.05 and 1522.1 to comply with the Act. The amendments require changes in the review of the criminal and child abuse history prior to foster care licensing or certification, relative approval and adoption home study approval. If any person in the household is 18 years of age or older and has lived in another state in the preceding five years, the department or its designated representative must now check the other state's child abuse and neglect registry to the extent required by federal law prior to granting a license to or otherwise approving, any foster family home, certified family home or person for whom an adoption home study is conducted or who has filed to adopt.

AB 2651 (Chapter 701, Statutes of 2008) amended Family Code (FC) sections 8712, 8811 and 8908 pertaining to all licensed public and private adoption agencies in the State of California (including independent and intercountry adoptions). These provisions prohibit the final approval of a prospective adoptive applicant/petitioner or any adult residing in the applicant's home if they have been convicted of specified felony crimes, including felony assault, battery and drug or alcohol offenses.

During the process of developing these regulations and amendments, CDSS has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Anticipated Benefits

The additional background checks mandated by the new law will provide greater protection for the health and safety of California's foster children.

COST ESTIMATE

1. Costs or Savings to State Agencies: The 2014-2015 Governor's Budget reflects \$61,000 in Long Range Forecasting (LRF) for Adoptions, \$186,000 in LRF for county welfare services (CWS) and \$24,000 in General Fund for Community Care Licensing (CCL).
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code sections 17500 – 17630: These regulations changes do not result in local assistance costs to the counties or school districts.
3. Nondiscretionary Costs or Savings to Local Agencies: The CWS has \$85,000 for the county share in the 2014-2015 Governor's Budget.
4. Federal Funding to State Agencies: The 2014-2015 Governor's Budget reflects federal funding of \$32,000 for Adoptions, \$140,000 for CWS and \$13,000 for CCL.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because current law requires adoption agency personnel to perform criminal background checks on all applicants to adopt.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action are primarily greater safeguards for the health and welfare of California's foster children.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

Sections 10553, 10554 and 16118 of the Welfare and Institutions (W&I) Code, Sections 1530 and 1522.1 of the H&S Code and Section 8608, 8621, 8901 and 9203(f) of the FC grant CDSS the authority to develop the regulations and Sections 8712, 8811 and 8908 of the W&I Code, 1522.1 of the H&S Code and 8901 and 8908 of the FC are being referenced to make the regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Oliver Chu	(916) 657-2586
Back-up:	Everado Vaca	(916) 657-2586